

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Proposed Policies and
Programs Governing Post-2003
Low-Income Assistance Programs.

FILED
PUBLIC UTILITIES COMMISSION
JANUARY 8, 2004
SAN FRANCISCO, CALIFORNIA
RULEMAKING 04-01-006

ORDER INSTITUTING RULEMAKING

In Rulemaking (R.) 01-08-027, we have been addressing policy and implementation issues related to low-income assistance programs, i.e., the California Alternate Rates for Energy (CARE) and Low-Income Energy Efficiency (LIEE) programs. Today, we close R.01-08-027 and Application (A.) 02-07-001 et al. and initiate a new proceeding to address policy and implementation issues governing post-2003 CARE and LIEE program activities. These issues include monitoring program accomplishments and refining policies, program designs and budgets for future program years, including those programs administered by the small and multi-jurisdictional utilities under our jurisdiction.

After today, any items we have directed to be filed in Rulemaking (R.) 01-08-027 and Application (A.) 02-07-001 et al. shall instead be filed in this docket. These include filings that address the standardization of procedures and policies for LIEE, CARE Needs Assessment, Energy Division audits and other reports and evaluations. We also transfer outstanding issues related to CARE automatic enrollment from those proceedings to this rulemaking. Our prior determinations concerning the use of the Advice Letter process or other

procedural vehicles (e.g., Assigned Commissioner Ruling) will continue to apply unless the Commission or the Assigned Commissioner direct otherwise.

Service List and Service Procedures

The service lists in R.01-08-027 and A.02-07-001 et al., presented in Attachment A, will serve as the temporary service list in this proceeding. This temporary list is also posted on the Commission website at www.cpuc.ca.gov. As soon as practicable, the assigned Administrative Law Judge should update this service list by ruling or other means.

The electronic service protocols contained in Attachment B will apply to this proceeding. These protocols are designed to reduce the Commission's and each party's expenses and resource costs associated with "paper" filings. Accordingly, all parties should provide the Commission's Process Office with an electronic mail address without delay, if one is available and currently not listed in Attachment A.

Preliminary Scoping Memo

Pursuant to Rule 6(c)(2), we preliminarily determine the category of this proceeding to be quasi-legislative, and preliminarily find that evidentiary hearings will not be needed.

In this proceeding, we continue to develop policies and procedures to implement post-2003 CARE and LIEE programs, as needed. Our ongoing efforts to implement CARE automatic enrollment, per Decision (D.) 02-07-033, will be continued in this docket. We will also address Energy Division's October 2003 workshop report on the accounting and reporting requirements for the CARE and LIEE programs of the small and multi-jurisdictional utilities under our jurisdiction. We intend to consider the results of the CARE program evaluations, the Needs Assessment Study and Energy Division's CARE and LIEE audits

currently underway in this proceeding. Pursuant to D.03-11-020, this proceeding will be also the forum for our efforts to (1) further examine LIEE measure cost data, (2) standardize carbon monoxide (CO) testing protocols consistent with adopted policies, and (3) explore policies related to homes that use a utility fuel for space-heating and non-IOU fuel for other end uses. Further direction regarding program planning for post-2003 LIEE and CARE activities will be provided by Assigned Commissioner or ALJ ruling in this proceeding, as appropriate.

Within ten days of the effective date of this order, parties should file and serve comments or objections to the categorization of this proceeding as quasi-legislative, and preliminary finding that evidentiary hearings will not be needed. These comments or objections should be served on the service list presented in Attachment A.

Ex Parte Rules

Per Rule 7(d) of the Commission's Rules of Practice and Procedure, ex parte communications are allowed without restriction or reporting requirement in any quasi-legislative proceeding. Therefore, there are no such restrictions or reporting requirements applied to this proceeding.

Assignment of Proceeding

Commissioner Carl W. Wood is the Assigned Commissioner in this proceeding.

O R D E R

IT IS ORDERED that:

1. A rulemaking is instituted to establish policies, procedures and program budgets for post-2003 low-income assistance programs, which consist of the

California Alternate Rates for Energy and Low Income Energy Efficiency programs.

2. Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Gas Company, Southern California Edison Company, Alpine Natural Gas Company, Avista Utilities, Bear Valley Electric Company (operated by Southern California Water Company), Mountain Utilities, Sierra Pacific Power Company, PacifiCorp, Southwest Gas Company, and West Coast Gas Company are respondents.

3. The Executive Director shall cause a copy of this order to be immediately served on all respondents and on the temporary service list contained in Attachment A.

4. Individuals and organizations that have an electronic mail address that is not listed in Attachment A, shall provide that address to the Commission's Process Office at process_office@cpuc.ca.gov or (415) 703-2021, without delay. Provide the proceeding number, your name and organization, party status (i.e., appearance, state service or information only) and electronic mail address. Individuals and organizations that wish to be removed from the service list should also contact the Process Office with this request.

5. We preliminarily determine that this is a quasi-legislative proceeding and that evidentiary hearings will not be required. Parties shall file and serve comments or objections on the categorization of this proceeding and need for hearings within ten days of the effective date of this decision. These comments or objections shall be served on the service list attached to this order (Attachment A), per the electronic service protocols contained in Attachment B.

6. After today, any items we have directed to be filed in Rulemaking 01-08-027 or in Application 02-07-001 et al. shall be filed in this docket.

7. Rulemaking 01-08-027 and Application (A.) 02-07-001, A.02-07-002, A.02-07-003, and A.02-07-004 are closed.

This order is effective today.

Date January 8, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

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(END OF ATTACHMENT A)

Attachment B

ELECTRONIC SERVICE PROTOCOLS

These electronic service protocols are applicable to all “appearances” and individuals/organizations on the “state service” list that serve comments or other documents in this proceeding.

1. Party Status in Commission Proceedings

In accordance with Commission practice, by entering an appearance at a hearing or by other appropriate means, an interested party or protestant gains “party” status. A party to a Commission proceeding has certain rights that non-parties do not have. For example, a party has the right to participate in evidentiary hearings, file comments on a proposed decision, and appeal a final decision. A party also has the ability to consent to waive or reduce a comment period, and to challenge the assignment of an Administrative Law Judge (ALJ). Non-parties do not have these rights, even though they are included on the service list for the proceeding and receive copies of some or all documents.

Non-parties may participate in this proceeding under either the “state service” or “information only” categories. Commission staff members, divisions or branches, Legislators or their staff members, and state agencies or their staff members may participate as under the state service category. They will be allowed to file comments or other documents on issues in this rulemaking, at the direction of the assigned ALJ or Assigned Commissioner.

Those who request to be categorized as “information only” will receive all Commission-generated notices of hearings, rulings proposed decisions and Commission decisions at no charge. However, individuals on the “information only” list will not receive copies of pleadings or other filings in this proceeding,

and may not comment on the issues in this proceeding, unless they later apply for party status.

2. Service of Documents by Electronic Mail

For the purposes of this proceeding, all individuals in appearance and state service categories shall serve documents by electronic mail, and in turn, shall accept service by electronic mail. In some circumstances, however, electronic mail addresses may not be available. In those circumstances, paper copies shall be served by US mail. In addition, paper copies shall be served on the assigned ALJ and Assigned Commissioner.

3. Notice of Availability

If a document, including attachments, exceeds 75 pages, parties may serve a Notice of Availability in lieu of all or part of the document, in accordance with Rule 2.3(c) of the Commission's Rules of Practice and Procedure.

4. Filing of Documents

These electronic service protocols govern service of documents only, and do not change the rules regarding the tendering of documents for filing. Documents for filing must be tendered in paper form, as described in Rule 2, et. seq., of the Commission's Rules of Practice and Procedure.

5. Electronic Service Standards

As an aid to review of documents served electronically, appearances should follow these procedures:

- Merge into a single electronic file the entire document to be served (e.g., title page, table of contents, text, attachments, service list).
- Attach the document file to an electronic note.
- In the subject line of the note, identify the proceeding number; the party sending the document; and the abbreviated title of the document.

- Within the body of the note, identify the word processing program used to create the document if anything other than Microsoft Word. (Commission experience is that most recipients can readily open documents sent in Microsoft Word 6.0/95.)

If the electronic mail is returned to the sender, or the recipient informs the sender of an inability to open the document, the sender shall immediately arrange for alternative service (regular U.S. mail shall be the default, unless another means—such as overnight delivery—is mutually agreed upon).

Parties should exercise good judgment regarding electronic mail service, and moderate the burden of paper management for recipients. For example, if a particularly complex matrix or cost-effectiveness study with complex tables is an attachment within a document mailed electronically, and it can be reasonably foreseen that most parties will have difficulty printing the matrix or tables, the sender should also serve paper copies by U.S. mail, and indicate that in the electronic note.

6. Obtaining Up-to-Date Electronic Mail Addresses

The current service lists for active proceedings are available on the Commission's web page, www.cpuc.ca.gov. To obtain an up-to-date service list of electronic mail addresses:

- On the "Legal Documents" bar choose "Service Lists."
- Scroll through the "Index of Service Lists" to the number for this proceeding (or click "edit," "find," type in R0401006, and click "find next").
- To view and copy the electronic addresses for a service list, download the comma-delimited file, and copy the column containing the electronic addresses.

The Commission's Process Office periodically updates service lists to correct errors or to make changes at the request of parties and non-parties on the

list. Parties should copy the current service list from the web page (or obtain paper copy from the Process Office) before serving a document.

7. Pagination Discrepancies in Documents Served Electronically

Differences among word-processing software can cause pagination differences between documents served electronically and print outs of the original. (If documents are served electronically in PDF format, these differences do not occur, although PDF files can be especially difficult to print out.) For the purposes of reference and/or citation (e.g., at the Final Oral Argument, if held), parties should use the pagination found in the original document.

(END OF ATTACHMENT B)